



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2228

DATE SCANNED 7-20-11

SCANNER NO. 2

SCAN OPERATOR JAC

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 10, 2010

MEMORANDUM

TO: THE COMMISSION

THROUGH: ALEC PALMER
ACTING STAFF DIRECTOR

FROM: PATRICIA CARMONA *PC for PC*
CHIEF COMPLIANCE OFFICER

DEBBIE CHACONA *DC*
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

BY: *msc* NATALIYA IOFFE/SARI PICKERALL/IAN WANDNER *SR in*
COMPLIANCE BRANCH

SUBJECT: REASON TO BELIEVE RECOMMENDATION – 2010 OCTOBER
QUARTERLY REPORT (NON-ELECTION SENSITIVE) FOR THE
ADMINISTRATIVE FINE PROGRAM

Attached is a list of political committees and their treasurers who failed to file the 2010 October Quarterly Report in accordance with 2 U.S.C. 434(a). The October Quarterly Report was due on October 15, 2010.

The committees listed in the attached RTB Circulation Report either failed to file the report, filed the report more than five (5) days after the due date, or filed the report more than thirty (30) days after the due date (considered a non-filed report). In accordance with the schedule of civil money penalties for reports at 11 CFR 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

Recommendation

1. Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Report violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

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Federal Election Commission

Federal Election Commission

Reason to Believe Circulation Report

2010 OCTOBER QUARTERLY - Not Election Sensitive 10/15/2010 H_S_P_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2212	C00458745	ANDRE WILLIAMS FOR CONGRESS	WILLIAMS, ANDRE LEWIS	DAVID EVERETT MARKO	\$375,326	0	10/28/2010	13	\$51,704	\$1,402
2213	C00474049	CARLINEO FOR CONGRESS	CARLINEO, GLORIA	GLORIA CARLINEO	\$181,423	0	12/7/2010	Not Filed	\$44,000	\$990
2215	C00480434	CHUCK FLUME FOR CONGRESS	FLUME, CHARLES WILLIAM SR.	BRUCE BLOCH	\$102,330	0		Not Filed	\$51,165 (est)	\$2,970
2216	C00477869	CLARK VANDEVENTER FOR CONGRESS 2010	VANDEVENTER, CLARK	CLARK VANDEVENTER	\$187,791	0		Not Filed	\$62,597 (est)	\$2,970
2218	C00463976	DEDE FOR CONGRESS INC	SCOZZAFAVA, DIERDRE K	DIERDRE K SCOZZAFAVA	\$762,971	1		Not Filed	\$254,324 (est)	\$11,000
2219	C00465773	DEON LONG FOR CONGRESS	LONG, OMETRIAS DEON	DEON LONG	\$252,205	0		Not Filed	\$84,088 (est)	\$3,850
2220	C00460220	DICK KELSEY FOR CONGRESS	KELSEY, RICHARD FRANKLIN	JOHN B BARRETT	\$530,198	0		Not Filed	\$88,366 (est)	\$3,850
2222	C00463265	ETHAN HASTERT FOR CONGRESS COMMITTEE	HASTERT, ETHAN ALLEN	LARRY NELSON	\$1,247,146	0		Not Filed	\$249,429 (est)	\$7,150
2223	C00481184	FRIENDS OF ROSS BIELING	BIELING, ROSS PARKER	ROSS PARKER BIELING	\$385,138	0	10/22/2010	7	\$112,696	\$1,535
2224	C00479006	HERRMANN FOR CONGRESS	HERRMANN, THOMAS A	FRANK J DEMILO CPA	\$1,207,368	0		Not Filed	\$402,456 (est)	\$9,900
2225	C00461970	JAY FLEITMAN FOR CONGRESS COMMITTEE	FLEITMAN, JAY SCOTT	MARY LOU STUART	\$286,236	0	10/22/2010	7	\$60,174	\$907
2226	C00473819	JIM HOLT CAMPAIGN COMMITTEE	HOLT, JIM	MARC MILLSAP	\$295,537	0		Not Filed	\$73,884 (est)	\$2,970
2228	C00459420	KEVIN BURNS 4 US SENATE	BURNS, KEVIN A	ROB FLINT	\$189,847	0		Not Filed	\$31,641 (est)	\$990
2229	C00477703	KEVIN POWELL FOR CONGRESS 2010	POWELL, KEVIN	LLOYD COLONA	\$349,015	0		Not Filed	\$116,338 (est)	\$4,950
2231	C00463273	LOWRY FOR CONGRESS	LOWRY, ROBERT PAUL	ROBERT PAUL LOWRY	\$127,909	0		Not Filed	\$25,582 (est)	\$990

AFR	Committee ID	Committee Name	PV	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2232	C00483149	LUIS MEURICE FOR CONGRESS COMMITTEE		MEURICE, LUIS	BERNARD A BECKER	\$184,913	0	10/28/2010	11	\$57,453	\$1,237
2234	C00479907	MARK FRENCH FOR CONGRESS		FRENCH, MARK TODD	KATHLEEN CARRELL FRENCH	\$103,782	0		Not Filed	\$34,594 (est)	\$990
2235	C00475095	MATTHEW BURKE FOR CONGRESS		BURKE, MATTHEW	BURKE, JENNIFER	\$100,517	0	11/2/2010	18	\$3,344	\$115
2236	C00423202	MIKE GRAVEL FOR PRESIDENT 2008		GRAVEL, MIKE	MIKE GRAVEL	\$288,073	5		Not Filed	\$48,012 (est)	\$2,227
2237	C00463408	MORGAN FOR CONGRESS		MORGAN, VINCENT SCOTT	HON RD SNYDEN	\$152,791	0	11/17/2010	Not Filed	\$34,865	\$250
2238	C00480715	MULLEN FOR CONGRESS		MULLEN, WESLEY MARTIN	STUART WAYNE MCMAHEN	\$101,296	0		Not Filed	\$33,765 (est)	\$990
2242	C00473595	RICHARD LAKE FOR CONGRESS		LAKE, RICHARD DAVID GEORGE	TERRANCE BRADLEY	\$101,188	0		Not Filed	\$33,729 (est)	\$990
2243	C00468284	SCOTT TAYLOR FOR CONGRESS		TAYLOR, SCOTT W	ITHIEL HARLEY THOMAS IV	\$137,491	0		Not Filed	\$27,498 (est)	\$990
2244	C00468934	SCOTT WALLACE FOR US CONGRESS		WALLACE, SCOTT	MAUREEN RUGGIERO	\$273,613	0		Not Filed	\$68,403 (est)	\$2,970
2246	C00473512	SHELDON GOLDSTEIN FOR CONGRESS		GOLDSTEIN, SHELDON	JUSTIN MOORE	\$176,204	0		Not Filed	\$35,241 (est)	\$990
2247	C00471516	SIAS FOR CONGRESS		SIAS, LANGHORNE C	CORY DICKSON	\$356,280	0		Not Filed	\$89,070 (est)	\$3,850
2248	C00467712	SINGH FOR CONGRESS		SINGH, NAVRAJ	TIMOTHY J DAVIS	\$417,659	1		Not Filed	\$104,415 (est)	\$6,187
2249	C00467761	SUE LOWDEN FOR U S SENATE		LOWDEN, SUE	BOB BEERS	\$8,068,867	0	10/22/2010	7	\$42,982	\$340
2250	C00476432	TIM WOOLDRIDGE FOR CONGRESS		WOOLDRIDGE, TYMOTHE (TIM) LYNN	CHARLES R PARTLOW	\$1,107,167	0	11/22/2010	Not Filed	\$19,501	\$550
2252	C00477844	WADE FOR DELAWARE		WADE, KEVIN LYNN	HARRY SKILTON	\$135,364	0		Not Filed	\$67,682 (est)	\$2,970
2253	C00471433	WILL BOYD FOR US SENATE		BOYD, WILLIE WILL FIUGNF JR	WILLIE "WILL" BOYD JR	\$131,829	0	10/23/2010	8	\$16,581	\$150

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason To Believe Recommendation - 2010)
October Quarterly Report (Non-Election)
Sensitive) for the Administrative Fine)
Program:)
MATTHEW BURKE FOR CONGRESS,) AF# 2235
and BURKE, JENNIFER as treasurer;)
ANDRE WILLIAMS FOR CONGRESS,) AF# 2212
and DAVID EVERETT MARKO as)
treasurer;)
LUIS MEURICE FOR CONGRESS) AF# 2232
COMMITTEE, and BERNARD A)
BECKER as treasurer;)
WILL BOYD FOR US SENATE, and) AF# 2253
WILLIE "WILL" BOYD JR as treasurer;)
FRIENDS OF ROSS BIELING, and) AF# 2223
BIELING, ROSS PARKER as treasurer;)
JAY FLEITMAN FOR CONGRESS) AF# 2225
COMMITTEE, and MARY LOU STUART)
as treasurer;)

SUE LOWDEN FOR U S SENATE, and) AF# 2249
BOB BEERS as treasurer;)
CARLINEO FOR CONGRESS, and) AF# 2213
CARLINEO, GLORIA as treasurer;)

CHUCK FLUME FOR CONGRESS, and) AF# 2215
BRUCE BLOCH as treasurer;)
CLARK VANDEVENTER FOR) AF# 2216
CONGRESS 2010, and CLARK)
VANDEVENTER as treasurer;)

DEDE FOR CONGRESS INC, and) AF# 2218
SCOZZAFAVA, DIERDRE K as treasurer;)
DEON LONG FOR CONGRESS, and) AF# 2219
DEON LONG as treasurer;)

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DICK KELSEY FOR CONGRESS, and) AF# 2220
JOHN B BARRETT as treasurer;)

ETHAN HASTERT FOR CONGRESS) AF# 2222
COMMITTEE, and NELSON, LARRY as)
treasurer;)
HERRMANN FOR CONGRESS, and) AF# 2224
FRANK J DEMILO CPA as treasurer;)
JIM HOLT CAMPAIGN COMMITTEE,) AF# 2226
and MARC MILLSAP as treasurer;)

KEVIN BURNS 4 US SENATE, and ROB) AF# 2228
FLINT as treasurer;)
KEVIN POWELL FOR CONGRESS 2010,) AF# 2229
and LLOYD COLONA as treasurer;)
LOWRY FOR CONGRESS, and ROBERT) AF# 2231
PAUL LOWRY as treasurer;)

MARK FRENCH FOR CONGRESS, and) AF# 2234
KATHLEEN CARRELL FRENCH as)
treasurer;)
MIKE GRAVEL FOR PRESIDENT 2008,) AF# 2236
and MIKE GRAVEL as treasurer;)
MORGAN FOR CONGRESS, and) AF# 2237
SNYDEN, RD HON. as treasurer;)
MULLEN FOR CONGRESS, and) AF# 2238
STUART WAYNE MCMAHEN as)
treasurer;)

RICHARD LAKE FOR CONGRESS, and) AF# 2242
BRADLEY, TERRANCE as treasurer;)
SCOTT TAYLOR FOR CONGRESS, and) AF# 2243
ITHIEL HARLEY THOMAS IV as)
treasurer;)
SCOTT WALLACE FOR US CONGRESS,) AF# 2244
and RUGGIERO, MAUREEN as treasurer;)

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SHELDON GOLDSTEIN FOR) AF# 2246
CONGRESS, and JUSTIN MOORE as)
treasurer;)
SIAS FOR CONGRESS, and CORY) AF# 2247
DICKSON as treasurer;)
SINGH FOR CONGRESS, and TIMOTHY) AF# 2248
J DAVIS as treasurer;)
TIM WOOLDRIDGE FOR CONGRESS,) AF# 2250
and CHARLES R PARTLOW as treasurer;)

WADE FOR DELAWARE, and HARRY) AF# 2252
SKILTON as treasurer;)

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on December 15, 2010 the Commission took the following actions on the Reason To Believe Recommendation - 2010 October Quarterly Report (Non-Election Sensitive) for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated December 13, 2010, on the following committees:

AF#2235 Decided by a vote of 6-0 to: (1) find reason to believe that MATTHEW BURKE FOR CONGRESS, and BURKE, JENNIFER as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2212 Decided by a vote of 6-0 to: (1) find reason to believe that ANDRE WILLIAMS FOR CONGRESS, and DAVID EVERETT MARKO as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners

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Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2232 Decided by a vote of 6-0 to: (1) find reason to believe that LUIS MEURICE FOR CONGRESS COMMITTEE, and BERNARD A BECKER as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2253 Decided by a vote of 6-0 to: (1) find reason to believe that WILL BOYD FOR US SENATE, and WILLIE "WILL" BOYD JR as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2223 Decided by a vote of 6-0 to: (1) find reason to believe that FRIENDS OF ROSS BIELING, and BIELING, ROSS PARKER as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2225 Decided by a vote of 6-0 to: (1) find reason to believe that IAY FLEITMAN FOR CONGRESS COMMITTEE, and MARY LOU STUART as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2249 Decided by a vote of 6-0 to: (1) find reason to believe that SUE LOWDEN FOR U S SENATE, and BOB BEERS as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2213 Decided by a vote of 6-0 to: (1) find reason to believe that CARLINEO FOR CONGRESS, and CARLINEO, GLORIA as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount

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indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2215 Decided by a vote of 6-0 to: (1) find reason to believe that CHUCK FLUME FOR CONGRESS, and BRUCE BLOCH as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2216 Decided by a vote of 6-0 to: (1) find reason to believe that CLARK VANDEVENTER FOR CONGRESS 2010, and CLARK VANDEVENTER as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2218 Decided by a vote of 6-0 to: (1) find reason to believe that DEDE FOR CONGRESS INC, and SCOZZAFAVA, DIERDRE K as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2219 Decided by a vote of 6-0 to: (1) find reason to believe that DEON LONG FOR CONGRESS, and DEON LONG as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2220 Decided by a vote of 6-0 to: (1) find reason to believe that DICK KELSEY FOR CONGRESS, and JOHN B BARRETT as treasurer violated 2 U.S.C.

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434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2222 Decided by a vote of 6-0 to: (1) find reason to believe that ETHAN HASTERT FOR CONGRESS COMMITTEE, and NELSON, LARRY as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2224 Decided by a vote of 6-0 to: (1) find reason to believe that HERRMANN FOR CONGRESS, and FRANK J DEMILO CPA as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2226 Decided by a vote of 6-0 to: (1) find reason to believe that JIM HOLT CAMPAIGN COMMITTEE, and MARC MILLSAP as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2228 Decided by a vote of 6-0 to: (1) find reason to believe that KEVIN BURNS 4 US SENATE, and ROB FLINT as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2229 Decided by a vote of 6-0 to: (1) find reason to believe that KEVIN POWELL FOR CONGRESS 2010, and LLOYD COLONA as treasurer violated 2 U.S.C.

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AF#2231 Decided by a vote of 6-0 to: (1) find reason to believe that LOWRY FOR CONGRESS, and ROBERT PAUL LOWRY as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2234 Decided by a vote of 6-0 to: (1) find reason to believe that MARK FRENCH FOR CONGRESS, and KATHLEEN CARRELL FRENCH as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2236 Decided by a vote of 6-0 to: (1) find reason to believe that MIKE GRAVEL FOR PRESIDENT 2008, and MIKE GRAVEL as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2237 Decided by a vote of 6-0 to: (1) find reason to believe that MORGAN FOR CONGRESS, and SNYDEN, RD HON. as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2238 Decided by a vote of 6-0 to: (1) find reason to believe that MULLEN FOR CONGRESS, and STUART WAYNE MCMAHEN as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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AF#2242 Decided by a vote of 6-0 to: (1) find reason to believe that RICHARD LAKE FOR CONGRESS, and BRADLEY, TERRANCE as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2243 Decided by a vote of 6-0 to: (1) find reason to believe that SCOTT TAYLOR FOR CONGRESS, and ITHIEL HARLEY THOMAS IV as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2246 Decided by a vote of 6-0 to: (1) find reason to believe that SHELDON GOLDSTEIN FOR CONGRESS, and JUSTIN MOORE as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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AF#2247 Decided by a vote of 6-0 to: (1) find reason to believe that SIAS FOR CONGRESS, and CORY DICKSON as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.


AF#2248 Decided by a vote of 6-0 to: (1) find reason to believe that SINGH FOR CONGRESS, and TIMOTHY J DAVIS as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2250 Decided by a vote of 6-0 to: (1) find reason to believe that TIM WOOLDRIDGE FOR CONGRESS, and CHARLES R PARTLOW as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2252 Decided by a vote of 6-0 to: (1) find reason to believe that WADE FOR DELAWARE, and HARRY SKILTON as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

December 17, 2010
Date

Attest:


Shawn Woodhead Werth
Secretary and Clerk of the Commission

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 21, 2010

Rob Flint, in official capacity as Treasurer
Kevin Burns 4 U S Senate
P.O. Box 610817
North Miami, FL 33261

C00459420
AF#: 2228

Dear Mr. Flint:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file an October Quarterly Report of Receipts and Disbursements every calendar year. This report, covering the period through September 30th, shall be filed no later than October 15th. 2 U.S.C. § 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was not filed within thirty (30) days of the due date. You should file this report if you have not already done so.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. § 434(a). 2 U.S.C. § 437g(a)(4). On December 15, 2010, the FEC found that there is reason to believe ("RTB") that Kevin Burns 4 U S Senate and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) by failing to file timely this report on or before October 15th.

Based on the FEC's schedules of civil money penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$990. Please see the attached copy of the Commission's administrative fine regulations at 11 C.F.R. §§ 111.30-111.46. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 C.F.R. § 111.34. Your payment of \$990 is due within forty (40) days of the finding, or by January 24, 2011, and is based on these factors:

Sensitivity of Report: Not Election Sensitive
Level of Activity: \$31,641
Number of Days Late: Not Filed
Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your committee's identification number, to the FEC's Office of Administrative Review, 999 E Street,

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NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or January 24, 2011. 11 C.F.R. § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 C.F.R. § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 C.F.R. § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 C.F.R. § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 C.F.R. § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Kevin Burns 4 U S Senate and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 C.F.R. § 111.51(a)(2).

3. If You Choose to Pay the Civil Money Penalty


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If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 C.F.R. § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Sari Pickerall in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,


Cynthia L. Bauerly
Vice Chair

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ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at RTB is \$990 for the 2010 October Quarterly Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The remittance and your payment are due by January 24, 2011. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Kevin Burns 4 U S Senate

FEC ID#: C00459420

AF#: 2228

PAYMENT DUE DATE: January 24, 2011

PAYMENT AMOUNT DUE: \$990

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Federal Election Commission

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the Office of General Counsel is the course of representing the Commission or the respondent with respect to an enforcement proceeding or civil action. No statement made by such a Commission attorney or staff member during any such communication shall bind or estop the Commission in any way.

§ 111.23 Representation by counsel; notification.

(a) If a respondent wishes to be represented by counsel with regard to any matter pending before the Commission, respondent shall so advise the Commission by sending a letter of representation signed by the respondent, which letter shall state the following:

(1) The name, address, and telephone number of the counsel;

(2) A statement authorizing such counsel to receive any and all notifications and other communications from the Commission on behalf of respondent.

(b) Upon receipt of a letter of representation, the Commission shall have no contact with respondent except through the designated counsel unless authorized in writing by respondent.

§ 111.24 Civil Penalties (2 U.S.C. 437g(a) (5), (6), (12), 28 U.S.C. 2461 nt.).

(a) Except as provided in 11 CFR part 111, subpart B and in paragraph (b) of this section, a civil penalty negotiated by the Commission or imposed by a court for a violation of the Act or chapters 95 or 96 of title 26 (28 U.S.C.) shall be as follows:

(1) Except as provided in paragraph (a)(2) of this section, in the case of a violation of the Act or chapters 95 or 96 of title 26 (28 U.S.C.), the civil penalty shall not exceed the greater of \$7,500 or an amount equal to any contribution or expenditure involved in the violation.

(2) *Knowing and willful violations.* (i) In the case of a knowing and willful violation of the Act or chapters 95 or 96 of title 26 (28 U.S.C.), the civil penalty shall not exceed the greater of \$18,000 or an amount equal to 200% of any contribution or expenditure involved in the violation.

(ii) Notwithstanding paragraph (a)(2)(i) of this section, in the case of a

knowing and willful violation of 2 U.S.C. 441f, the civil penalty shall not be less than 300% of the amount of any contribution involved in the violation and shall not exceed the greater of \$60,000 or 1,000% of the amount of any contribution involved in the violation.

(b) Any Commission member or employee, or any other person, who in violation of 2 U.S.C. 437g(a)(12)(A) makes public any notification or investigation under 2 U.S.C. 437g without receiving the written consent of the person receiving such notification, or the person with respect to whom such investigation is made, shall be fined not more than \$3,200. Any such member, employee, or other person who knowingly and willfully violates this provision shall be fined not more than \$7,500.

[62 FR 11317, Mar. 12, 1997; 62 FR 18157, Apr. 14, 1997; 65 FR 31794, May 19, 2000; 67 FR 48977, Dec. 13, 2002; 70 FR 36535, June 15, 2005; 74 FR 31347, July 1, 2009]

Subpart B—Administrative Fines

SOURCE: 65 FR 31794, May 19, 2000, unless otherwise noted.

§ 111.30 When will subpart B apply?

Subpart B applies to violations of the reporting requirements of 2 U.S.C. 434(a) committed by political committees and their treasurers that relate to the reporting period that begin on or after July 14, 2000 and end on or before December 31, 2019.

[76 FR 72688, Dec. 1, 2008]

§ 111.31 Does this subpart replace subpart A of this part for violations of the reporting requirements of 2 U.S.C. 434(a)?

(a) No; §§ 111.1 through 111.8 and 111.20 through 111.24 shall apply to all compliance matters. This subpart will apply, rather than §§ 111.9 through 111.19, when the Commission, on the basis of information ascertained by the Commission in the normal course of carrying out its supervisory responsibilities, and when appropriate, determines that the compliance matter should be subject to this subpart. If the

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Commission determines that the violation should not be subject to this subpart, then the violation will be subject to all sections of subpart A of this part.

(b) Subpart B will apply to compliance matters resulting from a complaint filed pursuant to 11 CFR 111.4 through 111.7 if the complaint alleges a violation of 2 U.S.C. 434(a). If the complaint alleges violations of any other provision of any statute or regulation over which the Commission has jurisdiction, subpart A will apply to the alleged violations of these other provisions.

§ 111.32 How will the Commission notify respondents of a reason to believe finding and a proposed civil money penalty?

If the Commission determines, by an affirmative vote of at least four (4) of its members, that it has reason to believe that a respondent has violated 2 U.S.C. 434(a), the Chairman or Vice-Chairman shall notify such respondent of the Commission's finding. The written notification shall set forth the following:

(a) The alleged factual and legal basis supporting the finding including the type of report that was due, the filing deadline, the actual date filed (if filed), and the number of days the report was late (if filed);

(b) The applicable schedule of penalties;

(c) The number of times the respondent has been assessed a civil money penalty under this subpart during the current two-year election cycle and the prior two-year election cycle;

(d) The amount of the proposed civil money penalty based on the schedules of penalties set forth in 11 CFR 111.43 or 111.44; and

(e) An explanation of the respondent's right to challenge both the reason to believe finding and the proposed civil money penalty.

§ 111.33 What are the respondent's choices upon receiving the reason to believe finding and the proposed civil money penalty?

The respondent must either send payment in the amount of the proposed civil money penalty pursuant to 11 CFR 111.34 or submit a written response pursuant to 11 CFR 111.35.

11 CFR Ch. I (1-1-10 Edition)

§ 111.34 If the respondent decides to pay the civil money penalty and not to challenge the reason to believe finding, what should the respondent do?

(a) The respondent shall transmit payment in the amount of the civil money penalty to the Commission within forty (40) days of the Commission's reason to believe finding.

(b) Upon receipt of the respondent's payment, the Commission shall send the respondent a final determination that the respondent has violated the statute or regulations and the amount of the civil money penalty and an acknowledgment of the respondent's payment.

§ 111.35 If the respondent decides to challenge the alleged violation or proposed civil money penalty, what should the respondent do?

(a) To challenge a reason to believe finding or proposed civil money penalty, the respondent must submit a written response to the Commission within forty (40) days of the Commission's reason to believe finding.

(b) The respondent's written response must assert at least one of the following grounds for challenging the reason to believe finding or proposed civil money penalty:

(1) The Commission's reason to believe finding is based on a factual error including, but not limited to, the committee was not required to file the report, or the committee timely filed the report in accordance with 11 CFR 100.19;

(2) The Commission improperly calculated the civil money penalty; or

(3) The respondent used best efforts to file in a timely manner in that:

(i) The respondent was prevented from filing in a timely manner by reasonably unforeseen circumstances that were beyond the control of the respondent; and

(ii) The respondent filed no later than 24 hours after the end of these circumstances.

(c) Circumstances that will be considered reasonably unforeseen and beyond the control of respondent include, but are not limited to:

(1) A failure of Commission computers or Commission-provided software despite the respondent seeking

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technical assistance from Commission personnel and resources;

(2) A widespread disruption of information transmissions over the Internet not caused by any failure of the Commission's or respondent's computer systems or Internet service provider; and

(3) Severe weather or other disaster-related incident.

(d) Circumstances that will not be considered reasonably unforeseen and beyond the control of respondent include, but are not limited to:

(1) Negligence;

(2) Delays caused by committee vendors or contractors;

(3) Illness, inexperience, or unavailability of the treasurer or other staff;

(4) Committee computer, software or Internet service provider failures;

(5) A committee's failure to know filing dates; and

(6) A committee's failure to use filing software properly.

(e) Respondent's written response must detail the factual basis supporting its challenge and include supporting documentation.

[72 FR 14667, Mar. 29, 2007]

§ 111.36 Who will review the respondent's written response?

(a) A reviewing officer shall review the respondent's written response. The reviewing officer shall be a person who has not been involved in the reason to believe finding.

(b) The reviewing officer shall review the reason to believe finding with supporting documentation and the respondent's written response with supporting documentation. The reviewing officer may request supplemental information from the respondent and/or the Commission staff. The respondent shall submit the supplemental information to the reviewing officer within a time specified by the reviewing officer. The reviewing officer will be entitled to draw an adverse inference from the failure by the respondent to submit the supplemental information.

(c) All documents required to be submitted by the respondents pursuant to this section and § 111.35 should be submitted in the form of affidavits or declarations.

(d) If the Commission staff, after the respondent files a written response pursuant to § 111.35, forwards any additional documents pertaining to the matter to the reviewing officer for his or her examination, the reviewing officer shall also furnish a copy of the document(s) to the respondents.

(e) Upon completion of the review, the reviewing officer shall forward a written recommendation to the Commission along with all documents required under this section and 11 CFR 111.32 and 111.35.

(f) The reviewing office shall also forward a copy of the recommendation to the respondent. The respondent may file with the Commission Secretary a written response to the recommendation within ten (10) days of transmittal of the recommendation. This response may not raise any arguments not raised in the respondent's original written response or not directly responsive to the reviewing officer's recommendation.

§ 111.37 What will the Commission do once it receives the respondent's written response and the reviewing officer's recommendation?

(a) If the Commission, after having found reason to believe and after reviewing the respondent's written response and the reviewing officer's recommendation, determines by an affirmative vote of at least four (4) of its members, that the respondent has violated 2 U.S.C. 434(a) and the amount of the civil money penalty, the Commission shall authorize the reviewing officer to notify the respondent by letter of its final determination.

(b) If the Commission, after reviewing the reason to believe finding, the respondent's written response, and the reviewing officer's written recommendation, determines by an affirmative vote of at least four (4) of its members, that no violation has occurred (either because the Commission had based its reason to believe finding on a factual error or because the respondent used best efforts to file in a timely manner) or otherwise terminates its proceedings, the Commission shall authorize the reviewing officer to notify the respondent by letter of its final determination.

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11 CFR Ch. I (1-1-10 Edition)

(c) The Commission will modify the proposed civil money penalty only if the respondent is able to demonstrate that the amount of the proposed civil money penalty was calculated on an incorrect basis.

(d) When the Commission makes a final determination under this section, the statement of reasons for the Commission action will, unless otherwise indicated by the Commission, consist of the reasons provided by the reviewing officer for the recommendation, if approved by the Commission, although statements setting forth additional or different reasons may also be issued. If the reviewing officer's recommendation is modified or not approved, the Commission will indicate the grounds for its action and one or more statements of reasons may be issued.

[65 FR 31794, May 19, 2000, as amended at 72 FR 14668, Mar. 29, 2007]

§ 111.38 Can the respondent appeal the Commission's final determination?

Yes; within thirty (30) days of receipt of the Commission's final determination under 11 CFR 111.37, the respondent may submit a written petition to the district court of the United States for the district in which the respondent resides, or transacts business, requesting that the final determination be modified or set aside. The respondent's failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondent's right to present such argument in a petition to the district court under 2 U.S.C. 437g.

§ 111.39 When must the respondent pay the civil money penalty?

(a) If the respondent does not submit a written petition to the district court of the United States, the respondent must remit payment of the civil money penalty within thirty (30) days of receipt of the Commission's final determination under 11 CFR 111.37.

(b) If the respondent submits a written petition to the district court of the United States and, upon the final disposition of the civil action, is required to pay a civil money penalty, the respondent shall remit payment of the civil money penalty to the Commission within thirty (30) days of the final dis-

position of the civil action. The final disposition may consist of a judicial decision which is not reviewed by a higher court.

(c) Failure to pay the civil money penalty may result in the commencement of collection action under 31 U.S.C. 3701 et seq. (1996), or a civil suit pursuant to 2 U.S.C. 437g(a)(6)(A), or any other legal action deemed necessary by the Commission.

§ 111.40 What happens if the respondent does not pay the civil money penalty pursuant to 11 CFR 111.34 and does not submit a written response to the reason to believe finding pursuant to 11 CFR 111.35?

(a) If the Commission, after the respondent has failed to pay the civil money penalty and has failed to submit a written response, determines by an affirmative vote of at least four (4) of its members that the respondent has violated 2 U.S.C. 434(a) and determines the amount of the civil money penalty, the respondent shall be notified by letter of its final determination.

(b) The respondent shall transmit payment of the civil money penalty to the Commission within thirty (30) days of receipt of the Commission's final determination.

(c) Failure to pay the civil money penalty may result in the commencement of collection action under 31 U.S.C. 3701 et seq. (1996), or a civil suit pursuant to 2 U.S.C. 437g(a)(6)(A), or any other legal action deemed necessary by the Commission.

§ 111.41 To whom should the civil money penalty payment be made payable?

Payment of civil money penalties shall be made in the form of a check or money order made payable to the Federal Election Commission.

§ 111.42 Will the enforcement file be made available to the public?

(a) Yes; the Commission shall make the enforcement file available to the public.

(b) If neither the Commission nor the respondent commences a civil action, the Commission shall make the enforcement file available to the public pursuant to 11 CFR 4.4(a)(3).

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(c) If a civil action is commenced, the Commission shall make the enforcement file available pursuant to 11 CFR 111.20(c).

§ 111.43 What are the schedules of penalties?

(a) The civil money penalty for all reports that are filed late or not filed, except election sensitive reports and pre-election reports under 11 CFR 104.5, shall be calculated in accordance with the following schedule of penalties:

If the level of activity in the report was:	And the report was filed late, the civil money penalty is:	Or the report was not filed, the civil money penalty is:
\$1-4,999.99 *	$[\$25 + (\$5 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$250 \times [1 + (.25 \times \text{Number of previous violations})]$
\$5,000-9,999.99	$[\$55 + (\$5 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$330 \times [1 + (.25 \times \text{Number of previous violations})]$
\$10,000-24,999.99	$[\$110 + (\$5 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$550 \times [1 + (.25 \times \text{Number of previous violations})]$
\$25,000-49,999.99	$[\$200 + (\$20 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$990 \times [1 + (.25 \times \text{Number of previous violations})]$
\$50,000-74,999.99	$[\$330 + (\$82.50 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$2,970 \times [1 + (.25 \times \text{Number of previous violations})]$
\$75,000-99,999.99	$[\$440 + (\$110 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$3,850 \times [1 + (.25 \times \text{Number of previous violations})]$
\$100,000-149,999.99	$[\$660 + (\$125 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$4,950 \times [1 + (.25 \times \text{Number of previous violations})]$
\$150,000-199,999.99	$[\$880 + (\$150 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$6,600 \times [1 + (.25 \times \text{Number of previous violations})]$
\$200,000-249,999.99	$[\$1,100 + (\$175 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$7,150 \times [1 + (.25 \times \text{Number of previous violations})]$
\$250,000-349,999.99	$[\$1,500 + (\$200 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$8,800 \times [1 + (.25 \times \text{Number of previous violations})]$
\$350,000-449,999.99	$[\$2,000 + (\$200 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$9,900 \times [1 + (.25 \times \text{Number of previous violations})]$
\$450,000-549,999.99	$[\$2,500 + (\$200 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$10,450 \times [1 + (.25 \times \text{Number of previous violations})]$
\$550,000-649,999.99	$[\$3,300 + (\$200 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$11,000 \times [1 + (.25 \times \text{Number of previous violations})]$
\$650,000-749,999.99	$[\$3,850 + (\$200 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$10,500 \times [1 + (.25 \times \text{Number of previous violations})]$
\$750,000-849,999.99	$[\$4,400 + (\$200 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$11,900 \times [1 + (.25 \times \text{Number of previous violations})]$
\$850,000-949,999.99	$[\$4,950 + (\$200 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$11,500 \times [1 + (.25 \times \text{Number of previous violations})]$
\$950,000 or over	$[\$5,500 + (\$200 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$12,000 \times [1 + (.25 \times \text{Number of previous violations})]$

* The civil money penalty for a respondent who does not turn any previous violations will not exceed the level of activity in the report.

(b) The civil money penalty for election sensitive reports that are filed late or not filed shall be calculated in

accordance with the following schedule of penalties:

If the level of activity in the report was:	And the report was filed late, the civil money penalty is:	Or the report was not filed, the civil money penalty is:
\$1-4,999.99 *	$[\$55 + (\$10 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$550 \times [1 + (.25 \times \text{Number of previous violations})]$
\$5,000-9,999.99	$[\$110 + (\$10 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$660 \times [1 + (.25 \times \text{Number of previous violations})]$

If the level of activity in the report was:	And the report was filed late, the civil money penalty is:	Or the report was not filed, the civil money penalty is:
\$10,000-24,999.99	$[\$150 + (\$10 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$890 \times [1 + (.25 \times \text{Number of previous violations})]$.
\$25,000-49,999.99	$[\$330 + (\$25 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$1,400 \times [1 + (.25 \times \text{Number of previous violations})]$.
\$50,000-74,999.99	$[\$495 + (\$82.50 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$3,300 \times [1 + (.25 \times \text{Number of previous violations})]$.
\$75,000-99,999.99	$[\$660 + (\$110 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$4,400 \times [1 + (.25 \times \text{Number of previous violations})]$.
\$100,000-149,999.99	$[\$990 + (\$125 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$8,900 \times [1 + (.25 \times \text{Number of previous violations})]$.
\$150,000-199,999.99	$[\$1,200 + (\$150 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$8,600 \times [1 + (.25 \times \text{Number of previous violations})]$.
\$200,000-249,999.99	$[\$1,500 + (\$175 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$9,250 \times [1 + (.25 \times \text{Number of previous violations})]$.
\$250,000-349,999.99	$[\$2,250 + (\$200 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$9,900 \times [1 + (.25 \times \text{Number of previous violations})]$.
\$350,000-449,999.99	$[\$3,300 + (\$200 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$11,000 \times [1 + (.25 \times \text{Number of previous violations})]$.
\$450,000-549,999.99	$[\$4,125 + (\$200 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$11,000 \times [1 + (.25 \times \text{Number of previous violations})]$.
\$550,000-649,999.99	$[\$4,950 + (\$200 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$12,000 \times [1 + (.25 \times \text{Number of previous violations})]$.
\$650,000-749,999.99	$[\$5,775 + (\$200 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$13,000 \times [1 + (.25 \times \text{Number of previous violations})]$.
\$750,000-849,999.99	$[\$6,600 + (\$200 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$15,400 \times [1 + (.25 \times \text{Number of previous violations})]$.
\$850,000-949,999.99	$[\$7,425 + (\$200 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$16,500 \times [1 + (.25 \times \text{Number of previous violations})]$.
\$950,000 or over	$[\$8,250 + (\$200 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$17,600 \times [1 + (.25 \times \text{Number of previous violations})]$.

* The civil money penalty for a respondent who does not have any previous violations will not exceed the level of activity in the report.

(c) If the respondent fails to file a required report and the Commission cannot calculate the level of activity under paragraph (d) of this section, then the civil money penalty shall be \$6,050.

(d) *Definitions.* For this section only, the following definitions will apply:

(1) *Election Sensitive Reports* means third quarter reports due on October 15th before the general election (for all committees required to file this report except committees of candidates who do not participate in that general election); monthly reports due October 20th before the general election (for all committees required to file this report except committees of candidates who do not participate in that general election); and pre-election reports for pri-

mary, general, and special elections under 11 CFR 104.5.

(2) *Estimated level of activity* means:

(i) For an authorized committee, total receipts and disbursements reported in the current two-year election cycle divided by the number of reports filed to date covering the activity in the current two-year election cycle. If the respondent has not filed a report covering activity in the current two-year election cycle, estimated level of activity for an authorized committee means total receipts and disbursements reported in the prior two-year election cycle divided by the number of reports filed covering the activity in the prior two-year election cycle.

(ii)(A) For an unauthorized committee, estimated level of activity is calculated as follows: [(Total receipts

Federal Election Commission

§ 111.44

and disbursements reported in the current two-year cycle)—(Transfers received from non-Federal account(s) as reported on Line 18(a) of FEC Form 3X Disbursements for the non-Federal share of operating expenditures attributable to allocated Federal/non-Federal activity as reported on Line 21(a)(ii) of FEC Form 3X)] + Number of reports filed to date covering the activity in the current two-year election cycle.

(B) If the unauthorized committee has not filed a report covering activity in the current two-year election cycle, the estimated level of activity is calculated as follows: [(Total receipts and disbursements reported in the prior two-year election cycle)—(Transfers received from non-Federal account(s) as reported on Line 18(a) of FEC Form 3X Disbursements for the non-Federal share of operating expenditures attributable to allocated Federal/non-Federal activity as reported on Line 21(a)(ii) of FEC Form 3X)] + Number of reports filed covering the activity in the prior two-year election cycle.

(3) *Level of activity means:*

(i) For an authorized committee, the total amount of receipts and disbursements for the period covered by the late report. If the report is not filed, the level of activity is the estimated level of activity as set forth in paragraph (d)(2)(i) of this section.

(ii) For an unauthorized committee, the total amount of receipts and disbursements for the period covered by the late report minus the total of: Transfers received from non-Federal account(s) as reported on Line 18(a) of FEC Form 3X and disbursements for the non-Federal share of operating expenditures attributable to allocated Federal/non-Federal activity as reported on Line 21(a)(ii) of FEC Form 3X for the period covered by the late report. If the report is not filed, the level of activity is the estimated level of activity as set forth in paragraph (d)(2)(i) of this section.

(4) *Number of previous violations means* all prior final civil money penalties assessed under this subpart during the current two-year election cycle and the prior two-year election cycle.

(e) For purposes of the schedules of penalties in paragraphs (a) and (b) of this section,

(1) Reports that are not election sensitive reports are considered to be filed late if they are filed after their due dates but within thirty (30) days of their due dates. These reports are considered to be not filed if they are filed after thirty (30) days of their due dates or not filed at all.

(2) Election sensitive reports are considered to be filed late if they are filed after their due dates but prior to four (4) days before the primary election for pre-primary reports, prior to four (4) days before the special election for pre-special election reports, or prior to four (4) days before the general election for all other election sensitive reports. These reports are considered to be not filed if they are not filed prior to four (4) days before the primary election for pre-primary reports, prior to four (4) days before the special election for pre-special election reports or prior to four (4) days before the general election for all other election sensitive reports.

[65 FR 31794, May 19, 2000, as amended at 68 FR 12577, Mar. 17, 2003; 70 FR 34536, June 16, 2005; 74 FR 51348, July 1, 2009; 74 FR 37181, July 28, 2009]

§ 111.44 What is the schedule of penalties for 48-hour notices that are not filed or are filed late?

(a) If the respondent fails to file timely a notice regarding contribution(s) received after the 20th day but more than 48 hours before the election as required under 2 U.S.C. 434(a)(6), the civil money penalty will be calculated as follows:

(1) Civil money penalty = \$110 + (.10 × amount of the contribution(s) not timely reported).

(2) The civil money penalty calculated in paragraph (a)(1) of this section shall be increased by twenty-five percent (25%) for each prior violation.

(b) For purposes of this section, prior violation means a final civil money penalty that has been assessed against the respondent under this subpart in

§ 111.45

the current two-year election cycle or the prior two-year election cycle.

[65 FR 31794, May 19, 2000, as amended at 70 FR 94636, June 15, 2005; 74 FR 31849, July 1, 2009]

§ 111.45 What actions will be taken to collect unpaid civil money penalties?

The Commission may take any and all appropriate collection actions authorized and required by the Debt Collection Act of 1982, as amended by the Debt Collection Improvement Act of 1996 (31 U.S.C. 3701 et. seq.). The U.S. Department of the Treasury regulations at 31 CFR 285.2, 285.4, and 285.7 and the Federal Claims Collection Standards issued jointly by the Department of Justice and the U.S. Department of the Treasury at 31 CFR parts 900 through 904 also apply.

[65 FR 31794, May 19, 2000, as amended at 68 FR 12580, Mar. 17, 2003; 68 FR 16715, Apr. 7, 2003]

§ 111.46 How will the respondent be notified of actions taken by the Commission and the reviewing officer?

If a statement designating counsel has been filed in accordance with 11 CFR 111.23, all notifications and other communications to a respondent provided for in subpart B of this part will be sent to designated counsel. If a statement designating counsel has not been filed, all notifications and other communications to a respondent provided for in subpart B of this part will be sent to respondent political committee and its treasurer at the political committee's address as listed in the most recent Statement of Organization, or amendment thereto, filed with the Commission in accordance with 11 CFR 102.2.

[68 FR 12580, Mar. 17, 2003]

PART 112—ADVISORY OPINIONS (2 U.S.C. 437f)

Sec.

- 112.1 Requests for advisory opinions (2 U.S.C. 437f(a)(1)).
- 112.2 Public availability of requests (2 U.S.C. 437f(d)).
- 112.3 Written comments on requests (2 U.S.C. 437f(d)).

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112.4 Issuance of advisory opinions (2 U.S.C. 437f(a) and (b)).

112.5 Reliance on advisory opinions (2 U.S.C. 437f(c)).

112.6 Reconsideration of advisory opinions.

AUTHORITY: 2 U.S.C. 437f, 438(a)(8).

SOURCE: 45 FR 15123, Mar. 7, 1980, unless otherwise noted.

§ 112.1 Requests for advisory opinions (2 U.S.C. 437f(a)(1)).

(a) Any person may request in writing an advisory opinion concerning the application of the Act, chapters 95 or 96 of the Internal Revenue Code of 1954, or any regulation prescribed by the Commission. An authorized agent of the requesting person may submit the advisory opinion request, but the agent shall disclose the identity of his or her principal.

(b) The written advisory opinion request shall set forth a specific transaction or activity that the requesting person plans to undertake or is presently undertaking and intends to undertake in the future. Requests presenting a general question of interpretation, or posing a hypothetical situation, or regarding the activities of third parties, do not qualify as advisory opinion requests.

(c) Advisory opinion requests shall include a complete description of all facts relevant to the specific transaction or activity with respect to which the request is made.

(d) The Office of General Counsel shall review all requests for advisory opinions submitted under 11 CFR 112.1. If the Office of General Counsel determines that a request for an advisory opinion is incomplete or otherwise not qualified under 11 CFR 112.1, it shall, within 10 calendar days of receipt of such request, notify the requesting person and specify the deficiencies in the request.

(e) Advisory opinion requests should be sent to the Federal Election Commission, Office of General Counsel, 999 E Street, NW., Washington, DC 20463.

(f) Upon receipt by the Commission, each request which qualifies as an advisory opinion request (AOR) under 11 CFR 112.1 shall be assigned an AOR number for reference purposes.

[45 FR 15123, Mar. 7, 1980, as amended at 50 FR 50778, Dec. 12, 1985]



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 26, 2011

MEMORANDUM

TO: The Commission

THROUGH: Alec Palmer
Acting Staff Director

FROM: Patricia Carmona *PC for PC*
Chief Compliance Officer

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division

BY: Jodi Winship/Sari Pickerall *JP*
Compliance Branch

SUBJECT: Administrative Fine Program -

Final Determination Recommendation for the 2010 October Quarterly
Report (Non-Election Sensitive)

Also attached are two lists of political committees and their treasurers against which the Commission has found reason to believe (RTB) and assessed proposed civil money penalties calculated at RTB for failure to file or failure to timely file the 2010 October Quarterly Report (Non-Election Sensitive). The first list represents the committees that have paid the civil money penalty and the second list represents the committees that have not paid the civil money penalty. The committees that have not paid have been given at least forty (40) days from the date of the Commission's RTB finding to remit payment.

In accordance with 11 CFR § 111.34 and 11 CFR § 111.40, the Commission shall send a final determination notice to those respondents that have either paid or not paid the civil money penalty.

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For your information, seventeen (17) committees disclosed a level of activity after the RTB finding which would result in a lowered civil money penalty. Of these, eight (8) committees will be assessed a civil money penalty at Final Determination (FD) that has been reduced since the RTB finding, and nine (9) committees will be assessed a civil money penalty of \$0 at FD. An overview of each of these cases has been provided below.

Clark Vandeventer for Congress 2010 (AF 2216) filed the 2010 October Quarterly Report after the RTB finding and disclosed no activity (previously estimated to be \$62,597), which would result in no civil money penalty (fine previously assessed to be \$2,970).

Dede for Congress Inc 2010 (AF 2218) filed the 2010 October Quarterly Report after the RTB finding and disclosed no activity (previously estimated to be \$254,324), which would result in no civil money penalty (fine previously assessed to be \$11,000).

Dick Kelsey for Congress (AF 2220) filed the 2010 October Quarterly Report after the RTB finding and disclosed no activity (previously estimated to be \$88,366), which would result in no civil money penalty (fine previously assessed to be \$3,850).

Ethan Hastert for Congress Committee (AF 2222) filed the 2010 October Quarterly Report after the RTB finding and disclosed an actual level of activity which would result in a lowered civil money penalty than that assessed at RTB. The committee disclosed total receipts and disbursements of \$224 (previously estimated to be \$249,429), thus the fine would be lowered from \$7,150 to \$224.

Herrmann for Congress (AF 2224) filed the 2010 October Quarterly Report after the RTB finding and disclosed no activity (previously estimated to be \$402,456), which would result in no civil money penalty (fine previously assessed to be \$9,900).

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Jim Holt Campaign Committee (AF 2226) filed the 2010 October Quarterly Report after the RTB finding and disclosed no activity (previously estimated to be \$73,884), which would result in no civil money penalty (fine previously assessed to be \$2,970).

Mark French for Congress (AF 2234) filed the 2010 October Quarterly Report after the RTB finding and disclosed no activity (previously estimated to be \$34,594), which would result in no civil money penalty (fine previously assessed to be \$990).

Mike Gravel for President 2008 (AF 2236) filed the 2010 October Quarterly Report after the RTB finding and disclosed an actual level of activity which would result in a lowered civil money penalty than that assessed at RTB. The committee disclosed total receipts and disbursements of \$10 (previously estimated to be \$48,012), thus the fine would be lowered from \$2,227 to \$562.

Mullen for Congress (AF 2238) filed the 2010 October Quarterly Report after the RTB finding and disclosed an actual level of activity which would result in a lowered civil money penalty than that assessed at RTB. The committee disclosed total receipts and disbursements of \$89 (previously estimated to be \$33,765), thus the fine would be lowered from \$990 to \$89. The committee paid \$90.90 (see first list); therefore, we will issue a refund for the difference (\$1.90).

Scott Taylor for Congress (AF 2243) filed the 2010 October Quarterly Report after the RTB finding and disclosed no activity (previously estimated to be \$27,498), which would result in no civil money penalty (fine previously assessed to be \$990).

Sheldon Goldstein for Congress (AF 2246) filed the 2010 October Quarterly Report after the RTB finding and disclosed no activity (previously estimated to be \$35,241), which would result in no civil money penalty (fine previously assessed to be \$990).

Singh for Congress (AF 2248) filed the 2010 October Quarterly Report after the RTB finding and disclosed no activity (previously estimated to be \$104,415), which would result in no civil money penalty (fine previously assessed to be \$6,187).

Also, one (1) committee detailed below designated a new Treasurer after the RTB finding:

- Lowry for Congress (AF 2231) filed an Amended Statement of Organization after the RTB finding designating Ruth Bell as Treasurer (see second list).

RAD Recommendation

(1)

(2) Make final determination that the political committees and their treasurers listed on the attached reports violated 2 U.S.C. § 434(a) and assess the final civil money penalties so indicated.

(3) Send the appropriate letters.

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Federal Election Commission
FD Circulation Report Fine Not Paid
2010 OCTOBER QUARTERLY Not Election Sensitive 10/15/2010 H_S_P_UNAUTH

AP#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Days Since RTB	FD Penalty
2216	CLARK VANDEVENTER FOR CONGRESS 2010	VANDEVENTER, CLARK	C00477869	CLARK VANDEVENTER	01/25/2011	Not Filed	\$0	0	12/15/2010	\$2,970	133	\$0
2218	DEDE FOR CONGRESS INC	SCOZZAFAVA, DIERDRE K	C00463976	DIERDRE K. SCOZZAFAVA	12/14/2010	Not Filed	\$0	1	12/15/2010	\$11,000	133	\$0
2219	DEON LONG FOR CONGRESS	LONG, OMETRIAS DEON	C00465773	DEON LONG		Not Filed	\$84,068 (est)	0	12/15/2010	\$3,850	133	\$3,850
2220	DICK KELSEY FOR CONGRESS	KELSEY, RICHARD FRANKI IN	C00460220	JOHN B. BARRETT	01/21/2011	Not Filed	\$0	0	12/15/2010	\$3,850	133	\$0
2222	ETHAN HASTERT FOR CONGRESS COMMITTEE	HASTERT, ETHAN ALLEN	C00463265	LARRY NELSON	12/22/2010	Not Filed	\$224	0	12/15/2010	\$7,150	133	\$224
2224	HERRMANN FOR CONGRESS	HERRMANN, THOMAS A	C00478006	FRANK J. DEMILO, CPA	01/07/2011	Not Filed	\$0	0	12/15/2010	\$9,900	133	\$0
2226	JIM HOLT CAMPAIGN COMMITTEE	HOLT, JIM	C00473619	MARC MILLSAP	01/11/2011	Not Filed	\$0	0	12/15/2010	\$2,970	133	\$0
2228	KEVIN BURNS 4 US SENATE	BURNS, KEVIN A	C00469420	ROB FLINT		Not Filed	\$31,641 (est)	0	12/15/2010	\$980	133	\$980
2229	KEVIN POWELL FOR CONGRESS 2010	POWELL, KEVIN	C00477703	LLOYD COLONA		Not Filed	\$116,338 (est)	0	12/15/2010	\$4,950	133	\$4,950
2231	LOWRY FOR CONGRESS	LOWRY, ROBERT PAUL	C00463273	RUTH BELL	02/22/2011	Not Filed	\$55,731	0	12/15/2010	\$980	133	\$980
2234	MARK FRENCH FOR CONGRESS	FRENCH, MARK TODD	C00478907	KATHLEEN CARRELL FRENCH	01/21/2011	Not Filed	\$0	0	12/15/2010	\$980	133	\$0
2236	MIKE GRAVEL FOR PRESIDENT 2008	GRAVEL, MIKE	C00423202	MIKE GRAVEL	04/18/2011	Not Filed	\$10	5	12/15/2010	\$2,227	133	\$682
2243	SCOTT TAYLOR FOR CONGRESS	TAYLOR, SCOTT W	C00468264	ITHIEL HARLEY THOMAS, IV	02/17/2011	Not Filed	\$0	0	12/15/2010	\$980	133	\$0
2246	SHELDON GOLDSTEIN FOR CONGRESS	GOLDSTEIN, SHELDON	C00473612	JUSTIN MOORE	02/04/2011	Not Filed	\$0	0	12/15/2010	\$980	133	\$0
2248	SINGH FOR CONGRESS	SINGH, NAVRAJ	C00467712	TIMOTHY J. DAVIS	02/03/2011	Not Filed	\$0	1	12/15/2010	\$8,187	133	\$0

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Federal Election Commission
FD Circulation Report Fine Paid
2010 OCTOBER QUARTERLY Not Election Sensitive 10/15/2010 H_S_P_UNAUTH

AP#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Final Money Penalty	Date Paid	Amount Paid
2213	CARLINEO FOR CONGRESS	CARLINEO, GLORIA	C00474049	GLORIA CARLINEO	12/07/2010	Not Filled	\$44,000	0	12/15/2010	\$990	\$990	01/25/2011	\$990
2225	JAY FLEITMAN FOR CONGRESS COMMITTEE	FLEITMAN, JAY SCOTT	C00461970	MARY LOU STUART	10/22/2010	7	\$80,174	0	12/15/2010	\$907	\$907	01/21/2011	\$907
2232	LUIS MEURICE FOR CONGRESS COMMITTEE	MEURICE, LUIS	C00483149	BERNARD A. BECKER	10/28/2010	11	\$57,453	0	12/15/2010	\$1,237	\$1,237	02/11/2011	\$1,237
2235	MATTHEW BURKE FOR CONGRESS	BURKE, MATTHEW	C00475095	JENNIFER BURKE	11/02/2010	18	\$3,344	0	12/15/2010	\$115	\$115	01/28/2011	\$115
2237	MORGAN FOR CONGRESS	MORGAN, VINCENT SCOTT	C00463408	HON. RD SNYDEN	11/17/2010	Not Filled	\$4,885	0	12/15/2010	\$250	\$250	01/24/2011	\$250
2238	MULLEN FOR CONGRESS	MULLEN, WESLEY MARTIN	C00480715	STUART MCMAHEN	01/24/2011	Not Filled	\$89	0	12/15/2010	\$990	\$89	01/28/2011	\$80.90
2242	RICHARD LAKE FOR CONGRESS	LAKE, RICHARD DAVID GEORGE	C00473595	TERRANCE BRADLEY		Not Filled	\$33,728 (est)	0	12/15/2010	\$990	\$990	01/28/2011	\$990
2249	SUE LOWDEN FOR U S SENATE	LOWDEN, SUE	C00467781	BOB BEERS	10/22/2010	7	\$42,300	0	12/15/2010	\$340	\$340	12/31/2010	\$340
2250	TIM WOOLDRIDGE FOR CONGRESS	WOOLDRIDGE, TYMOTHE (TIM) LYNN	C00478432	CHARLES R. PARTLOW	11/22/2010	Not Filled	\$19,501	0	12/15/2010	\$650	\$650	01/24/2011	\$650
2253	WILL BOYD FOR US SENATE	BOYD, WILLIE WILL EUGENE JR	C00471433	WILLIE "WILL" BOYD, JR.	10/23/2010	8	\$16,581	0	12/15/2010	\$150	\$150	01/28/2011	\$150

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Administrative Fines Final Determination)
Recommendation for the October Quarterly)
Report (Non-Election Sensitive):)
MATTHEW BURKE FOR CONGRESS,) AF# 2235
and BURKE, JENNIFER as treasurer;)
LUIS MEURICE FOR CONGRESS) AF# 2232
COMMITTEE, and BERNARD A)
BECKER as treasurer;)
WILL BOYD FOR US SENATE, and) AF# 2253
WILLIE "WILL" BOYD JR as treasurer;)
JAY FLEITMAN FOR CONGRESS) AF# 2225
COMMITTEE, and MARY LOU STUART)
as treasurer;)
SUE LOWDEN FOR U S SENATE, and) AF# 2249
BOB BEERS as treasurer;)
CARLINEO FOR CONGRESS, and) AF# 2213
CARLINEO, GLORIA as treasurer;)

CLARK VANDEVENTER FOR) AF# 2216
CONGRESS 2010, and CLARK)
VANDEVENTER as treasurer;)

DEDE FOR CONGRESS INC, and) AF# 2218
SCOZZAFAVA, DIERDRE K as treasurer;)
DEON LONG FOR CONGRESS, and) AF# 2219
DEON LONG as treasurer;)
DICK KELSEY FOR CONGRESS, and) AF# 2220
JOHN B BARRETT as treasurer;)

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Federal Election Commission
Certification for Administrative Fines
April 28, 2011

Page 2

ETHAN HASTERT FOR CONGRESS) AF# 2222
COMMITTEE, and NELSON, LARRY as)
treasurer;)
HERRMANN FOR CONGRESS, and) AF# 2224
FRANK J DEMILO CPA as treasurer;)
JIM HOLT CAMPAIGN COMMITTEE,) AF# 2226
and MARC MILLSAP as treasurer;)

KEVIN BURNS 4 US SENATE, and ROB) AF# 2228
FLINT as treasurer;)
KEVIN POWELL FOR CONGRESS 2010,) AF# 2229
and LLOYD COLONA as treasurer;)
LOWRY FOR CONGRESS, and BELL,) AF# 2231
RUTH as treasurer;)

MARK FRENCH FOR CONGRESS, and) AF# 2234
KATHLEEN CARRELL FRENCH as)
treasurer;)
MIKE GRAVEL FOR PRESIDENT 2008,) AF# 2236
and MIKE GRAVEL as treasurer;)
MORGAN FOR CONGRESS, and) AF# 2237
SNYDEN, RD HON. as treasurer;)
MULLEN FOR CONGRESS, and) AF# 2238
MCMAHEN, STUART as treasurer;)

RICHARD LAKE FOR CONGRESS, and) AF# 2242
BRADLEY, TERRANCE as treasurer;)
SCOTT TAYLOR FOR CONGRESS, and) AF# 2243
ITHIEL HARLEY THOMAS IV as)
treasurer;)

SHELDON GOLDSTEIN FOR) AF# 2246
CONGRESS, and JUSTIN MOORE as)
treasurer;)
SINGH FOR CONGRESS, and TIMOTHY) AF# 2248
J DAVIS as treasurer;)
TIM WOOLDRIDGE FOR CONGRESS,) AF# 2250
and CHARLES R PARTLOW as treasurer;)

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CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on April 28, 2011 the Commission took the following actions on the Administrative Fines Final Determination Recommendation for the October Quarterly Report (Non-Election Sensitive) as recommended in the Reports Analysis Division's Memorandum dated April 26, 2011, on the following committees:

AF#2235 Decided by a vote of 6-0 to: (1) make a final determination that MATTHEW BURKE FOR CONGRESS, and BURKE, JENNIFER as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2232 Decided by a vote of 6-0 to: (1) make a final determination that LUIS MEURICE FOR CONGRESS COMMITTEE, and BERNARD A BECKER as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2253 Decided by a vote of 6-0 to: (1) make a final determination that WILL BOYD FOR US SENATE, and WILLIE "WILL" BOYD JR as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2225 Decided by a vote of 6-0 to: (1) make a final determination that JAY FLEITMAN FOR CONGRESS COMMITTEE, and MARY LOU STUART as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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AF#2249 Decided by a vote of 6-0 to: (1) make a final determination that SUE LOWDEN FOR U S SENATE, and BOB BEERS as treasurer , violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2213 Decided by a vote of 6-0 to: (1) make a final determination that CARLINEO FOR CONGRESS, and CARLINEO, GLORIA as treasurer , violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2216 Decided by a vote of 6-0 to: (1) make a final determination that CLARK VANDEVENTER FOR CONGRESS 2010, and CLARK VANDEVENTER as treasurer , violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2218 Decided by a vote of 6-0 to: (1) make a final determination that DEDE FOR CONGRESS INC, and SCOZZAFAVA, DIERDRE K as treasurer , violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2219 Decided by a vote of 6-0 to: (1) make a final determination that DEON LONG FOR CONGRESS, and DEON LONG as treasurer , violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2220 Decided by a vote of 6-0 to: (1) make a final determination that DICK KELSEY FOR CONGRESS, and JOHN B BARRETT as treasurer , violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate

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letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2222 Decided by a vote of 6-0 to: (1) make a final determination that ETHAN HASTERT FOR CONGRESS COMMITTEE, and NELSON, LARRY as treasurer , violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2224 Decided by a vote of 6-0 to: (1) make a final determination that HERRMANN FOR CONGRESS, and FRANK J DEMILO CPA as treasurer , violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2226 Decided by a vote of 6-0 to: (1) make a final determination that JIM HOLT CAMPAIGN COMMITTEE, and MARC MILLSAP as treasurer , violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2228 Decided by a vote of 6-0 to: (1) make a final determination that KEVIN BURNS 4 US SENATE, and ROB FLINT as treasurer , violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2229 Decided by a vote of 6-0 to: (1) make a final determination that KEVIN POWELL FOR CONGRESS 2010, and LLOYD COLONA as treasurer , violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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AF#2231 Decided by a vote of 6-0 to: (1) make a final determination that LOWRY FOR CONGRESS, and BELL, RUTH as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2234 Decided by a vote of 6-0 to: (1) make a final determination that MARK FRENCH FOR CONGRESS, and KATHLEEN CARRELL FRENCH as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2236 Decided by a vote of 6-0 to: (1) make a final determination that MIKE GRAVEL FOR PRESIDENT 2008, and MIKE GRAVEL as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2237 Decided by a vote of 6-0 to: (1) make a final determination that MORGAN FOR CONGRESS, and SNYDEN, RD HON. as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2238 Decided by a vote of 6-0 to: (1) make a final determination that MULLEN FOR CONGRESS, and MCMAHEN, STUART as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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AF#2242 Decided by a vote of 6-0 to: (1) make a final determination that RICHARD LAKE FOR CONGRESS, and BRADLEY, TERRANCE as treasurer , violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2243 Decided by a vote of 6-0 to: (1) make a final determination that SCOTT TAYLOR FOR CONGRESS, and ITHIEL HARLEY THOMAS IV as treasurer , violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2246 Decided by a vote of 6-0 to: (1) make a final determination that SHELDON GOLDSTEIN FOR CONGRESS, and JUSTIN MOORE as treasurer , violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2248 Decided by a vote of 6-0 to: (1) make a final determination that SINGH FOR CONGRESS, and TIMOTHY J DAVIS as treasurer , violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2250 Decided by a vote of 6-0 to: (1) make a final determination that TIM WOOLDRIDGE FOR CONGRESS, and CHARLES R PARTLOW as treasurer , violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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Federal Election Commission
Certification for Administrative Fines
April 28, 2011

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Attest:

April 29, 2011
Date

Shawn Woodhead Werth
Shawn Woodhead Werth
Secretary and Clerk of the Commission

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 29, 2011

Rob Flint, in official capacity as Treasurer
Kevin Burns 4 US Senate
P.O. Box 610817
North Miami, FL 33261

C00459420
AF#: 2228

Dear Mr. Flint:

On December 15, 2010, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Kevin Burns 4 US Senate and its treasurer violated 2 U.S.C. § 434(a) for filing late or failing to file the 2010 October Quarterly Report. By letter dated December 21, 2010, the Commission sent notification of the RTB finding that included a civil money penalty calculated at the RTB stage of \$990 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. Within 40 days of the FEC's RTB finding, its treasurer was required to either transmit payment of the calculated civil money penalty or submit a written response challenging either the RTB finding or the calculated civil money penalty. You must also file the 2010 October Quarterly Report if you have not already done so.

The FEC did not receive payment of the calculated civil money penalty or a written response within the time permitted. The FEC made a final determination on April 28, 2011 that you, in your official capacity as treasurer, and Kevin Burns 4 US Senate violated 2 U.S.C. § 434(a) and assessed a civil money penalty in the amount of \$990 in accordance with 11 C.F.R. § 111.43. The civil money penalty is based on these factors:

Election Sensitivity of Report: Not Election Sensitive
Level of Activity: \$31,641
Number of Days Late: Not Filed
Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

1. If You Choose to Appeal the Final Determination and/or Civil Money Penalty

If you choose to appeal the final determination, you should submit a written petition, within 30 days of receipt of this letter, to the district court of the United States for the district in which the committee or treasurer reside, or transact business, requesting that the final determination be modified or set aside. See 2 U.S.C. § 437g(a)(4)(C)(iii). Your failure to raise

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an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Appeal

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701 *et seq.* If you do not pay this debt within 30 days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within 5 days of the transfer to Treasury, Treasury will contact the debtor and request payment. Treasury currently charges a fee of 28% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the civil money penalty, send the enclosed remittance form, along with your payment, to the address on page 3 within 30 days of receipt of this letter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 C.F.R. § 111.42(b). Although the file must be placed on the public record within thirty (30) days from the date of the Commission's notification, this could occur at anytime following certification of the Commission's vote.

If you have any questions regarding the payment of the civil money penalty, please contact Sari Pickerall at Federal Election Commission, 999 E St., NW, Washington, DC 20463, or our toll free number (800) 424-9530 (at the prompt, press 5) or (202) 694-1130.

On behalf of the Commission,



Cynthia L. Bauerly
Chair

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ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the civil money penalty is \$990 for the 2010 October Quarterly Report.

This penalty should be paid by check or money order made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission
PO Box 979058
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The form and payment are due within 30 days of receipt of this letter.

Payments by Personal Check

Personal checks will be converted into electronic funds transfers (EFTs). Your account will be electronically debited for the amount on the check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Kevin Burns 4 US Senate

FEC ID#: C00459420

AF#: 2228

PAYMENT AMOUNT DUE: \$990

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**ELECTRONIC CERTIFICATION AGREEMENT FOR
DEBTS SUBMITTED TO THE FINANCIAL MANAGEMENT SERVICE'S
CROSS-SERVICING PROGRAM**

This Agreement is submitted by: Federal Election Commission

Creditor Agency: Federal Election Commission

Date of Agreement: November 23, 2010

The Creditor Agency agrees that:

- I. This Agreement covers all debts, including updates, changes, and modifications (Debts) submitted by Electronic Transmission on or after the date of this Agreement, by the above-named Creditor Agency (Agency) to the Financial Management Service (FMS), a bureau of the U.S. Department of the Treasury, for collection through FMS's Cross-Servicing Program (Cross-Servicing);
- II. The Agency will submit Debts to Cross-Servicing via Electronic Transmission of "Add Records" or "Update Records," as described in the attached Exhibit A. Each time the Agency submits a Debt via an Add Record or Update Record, the Agency is certifying the Debt;
- III. Any person who submits Debts via an Add Record or Update Record has or will have delegated authority to certify the Debts on behalf of the head of the Agency, and the Agency will provide a copy of this Agreement to any such person;
- IV. By submitting Debts via an Add Record or Update Record, the person submitting such Debts is certifying to the U.S. Department of the Treasury, under penalty of perjury pursuant to 5 U.S.C. § 5514, 31 U.S.C. § 3716, 31 U.S.C. § 3720A, and 28 U.S.C. § 1746 that, to the best of his or her knowledge and belief, the following is true and correct:
 1. **Valid Debts.** The Debts are delinquent, valid and legally enforceable in the amounts stated. The Agency will properly credit collections (other than TOP collections) to the delinquent debtors' accounts and notify FMS of any chance in the amount, validity or legal enforceability of the Debt.
 2. **No Bar to Collection.** The Debts are not subject to any circumstances that legally preclude or bar collection, including collection by offset. There are no foreclosures pending with respect to any collateral securing a Debt. The Agency's records do not show that any debtor owing a Debt has filed for bankruptcy protection. Alternatively, the Agency can clearly establish that any automatic stay has been lifted or is no longer in effect.

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3. ***Administrative Offset and Tax Refund Offset.*** If the Agency has established a profile instructing FMS to refer Debts to the Treasury Offset Program (TOP) on its behalf for the purposes of tax refund and administrative offset, the person submitting such Debts will be certifying to the following:

- a. The Agency has complied with all of the provisions of 31 U.S.C. § 3716, 31 U.S.C. § 3720A, 31 C.F.R. §§ 285.2 and 285.5, and the Federal Claims Collection Standards (31 C.F.R. Parts 900-904), as may be amended, as well as other statutes, regulations and policies applicable to collection by administrative offset and tax refund offset.
- b. At least 60 days prior to the date of the certification (i.e., date of Electronic Transmission), the Agency has provided, or made a reasonable attempt to provide in accordance with applicable offset regulations, each debtor with:
 - i. written notification, at the debtor's most current known address, of the nature and the amount of the Debt, the intention of the Agency to collect the Debt through administrative offset and tax refund offset, including offset of State payments, and an explanation of the rights of the debtor;
 - ii. an opportunity to inspect and copy the records of the Agency with respect to the Debt;
 - iii. an opportunity for review within the Agency of the determination of the Agency with respect to the Debt, including the opportunity to present evidence that all or part of the Debt is not past-due or legally enforceable; and
 - iv. an opportunity to enter into a written repayment agreement with the Agency
- c. The Agency has considered any evidence presented by the debtor and determined that the amount of the Debt is past-due and legally enforceable and there are no pending appeals of such determination.
- d. The Agency has, at minimum, made the following reasonable efforts to obtain payment of the Debt: demanded payment and provided the debtor with the notice and opportunities described in paragraph 3.b.

- e. For Debts outstanding more than ten years on or before **December 31, 2009**, the notice described in paragraph 3.b. was sent to the debtor after the Debt was outstanding for more than ten years, and that the debtor was afforded the rights described in paragraphs 3.b. – 3.d. at that time. This requirement does not apply to any Debt that could be collected by offset without regard to any time limitation prior to **December 31, 2009** (e.g., student loans debts, judgments).

4. ***Due Process Compliance for Salary Offset.*** With respect to the offset of Federal salaries, if the Agency has authorized FMS to set up an agency profile so that all debts are referred to TOP for offset of federal salary payments:

- a. The Agency has complied with all of the provisions of 5 U.S.C. § 5514, 5 C.F.R. §§ 550.1101-1110, and 31 CFR § 285.7, as may be amended, as well as other statutes, regulations and policies applicable to collection by salary offset.
- i. The Agency has provided, or made a reasonable attempt to provide, each debtor with the notice, opportunities, and considerations described in paragraphs 3.b., 3.c. and 3.e (if applicable) and the additional notices and opportunities, including the opportunity for waiver consideration and for a hearing, required for salary offset.

5. ***Consumer Reporting Agencies.*** The Agency has complied with all of the provisions of 31 U.S.C. § 3711(e) and the Federal Claims Collection Standards, as well as other statutes, regulations and policies applicable to the Agency's reporting of delinquent debts to consumer reporting agencies. The Agency has:

- a. determined that the debts are valid and overdue;
- b. notified the debtor, more than 60 days prior to the date of the certification:
- i. that the debt is overdue,
- ii. that the Agency intends to disclose to a consumer reporting agency that the debtor is responsible for the debt,
- iii. of the specific information to be disclosed to the consumer reporting agency, and
- iv. of the debtor's rights to an explanation of the claim, to dispute the information in the Agency's records about the claim, and to

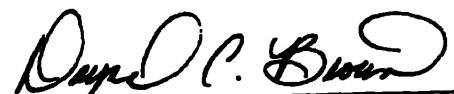
administrative repeal or review of the claim; and

- c. upon the request of a debtor, provided for a review of any debtor's claim, including an opportunity for reconsideration of the initial decision on the claim.

In addition, no debtor has repaid or agreed to repay the claim under a signed repayment agreement or filed for review of the claim.

- d. ***Interest and Penalties.*** The Agency has complied with all of the provisions of 31 U.S.C. § 3717 and the Federal Claims Collection Standards, as well as other statutes, regulations and policies applicable to Agency's assessment of interest, penalties and administrative costs. The Agency has mailed or hand-delivered a written notice to all debtors explaining the Agency's requirements concerning the charges.

CERTIFICATION: Pursuant to 28 U.S.C. § 1746, I certify that I have been delegated authority to execute this Agreement on behalf of the head of my agency.



Dayna C. Brown

Director, Office of Administrative Review



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2228

DATE SCANNED 7-20-11

SCANNER NO. 2

SCAN OPERATOR CFM

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